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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/824,439	04/15/2004	Tetsuya Sawano	0649-0955P	6298

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EXAMINER	
HERRERA, DIEGO D	
ART UNIT	**PAPER NUMBER**
2617	

DATE MAILED: 08/28/2006

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary	Application No.	Applicant(s)	
	10/824,439	SAWANO, TETSUYA	
	Examiner	Art Unit	
	Diego Herrera	2617	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1)☒ Responsive to communication(s) filed on *15 April 2004*.

2a)☒ This action is **FINAL**. 2b)☐ This action is non-final.

3)☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4)☒ Claim(s) *1-20* is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5)☐ Claim(s) _____ is/are allowed.

6)☒ Claim(s) *1-20* is/are rejected.

7)☐ Claim(s) _____ is/are objected to.

8)☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9)☐ The specification is objected to by the Examiner.

10)☒ The drawing(s) filed on *15 April 2004* is/are: a)☒ accepted or b)☐ objected to by the Examiner.

Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).

11)☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

12)☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).

a)☐ All b)☐ Some * c)☐ None of:

1.☐ Certified copies of the priority documents have been received.

2.☐ Certified copies of the priority documents have been received in Application No. _____.

3.☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

1) ☐ Notice of References Cited (PTO-892)
2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
3) ☐ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date _____.
4) ☐ Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ .
5) ☐ Notice of Informal Patent Application (PTO-152)
6) ☐ Other: _____.

DETAILED ACTION

Response to Amendment

Examiner has accepted applicant's title amendment filed 6/8/2006.

Response to Arguments

Applicant's arguments filed 6/8/2006 have been fully considered but they are not persuasive.

In response to applicant's arguments concerning claims 1-20, the applicant's features in the claims wherein an image processing server with an adder that adds position information to the image data as attribute information of the image, reads on the combination of Hanninen et al. in view of Hamada.

Hanninen et al. is disclosing a personal safety net system where a mobile, a server, and communication network transmit information data between each other about the location data being transmitted by the user by means of an image and/or voice and it is stored in a processing server along with the information about the origination of the location of the information being sent from the phone. Hanninen et al. also stores the location of the server that received the data transmitted from the phone.

However, Hanninen et al. doesn't recite an adder that adds the location information into the image to be displayed, nonetheless, speculation can be that the information stored may be recovered for further review by the proper authorities and the location, time, date, and pertinent data is displayed on image; however, this is just a speculation. Nonetheless, the second reference, Hamada et al., teaches the specifying

of location and the adding of pertinent information to a display with an image shown with the added information.

The combination does apply to this application and in reference to the fist independent claim, the features are shown via the primary and secondary references cited in the action further, and as modified by both Hanninen et al. and Hamada et al. show modifications and can be used because they are in the same field and teaching nearly identical systems.

Regarding the dependent claims, the features are shown via the other references cited in the action in conjunction and as modified by Hanninen et al. and Hamada et al. and ITO and Toyomura show motivations and can be used because they are in the same field and teaching nearly identical systems.

Therefore, the argued features are written broad such that they read upon cited references or are claiming the same limitations as the cited references.

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

> (a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negatived by the manner in which the invention was made.

2. The factual inquiries set forth in *Graham* **v.** *John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

3. Claims 1-7, & 12-18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanninen et al. (U.S. Patent Application Publication # 2004/0203842 A1), in view of Hamada et al. (U.S. Patent # 6,314,296 B1).

4. Regarding claims 1, & 12, Hanninen et al. discloses and shows an image processing server (Fig. 1, element 150 (secure server), Abstract, Hanninen teaches a server where information is gathered and compiled with location data), comprising:

a. A specifier that specifies a position of a mobile communication device based on information from a base station representing a communication region (Paragraphs [0008], [0021]-[0022], & [0031]-[0032], Hanninen teaches the different types of positioning arrangements used either by a network, which is composed of base stations, or the mobile device), after the image processing server receives image data sensed by the mobile communication device having an image sensor (Fig. 1, element 110 & 120, paragraph [0017], & [0031]-[0032], Hanninen teaches that the image sensor can be either external or integrated to the mobile device); Hanninen discloses the server combines the position data and image data for delivery to a user, i.e. police, (paragraphs [0031]-[0032]) however does not disclose,

b. An adder that adds position information indicative of the specified position to the image data as attribute information of the image data; however, Hamada et

al. teaches adding information indicative of the specified position of image data attribute information of the image data (Fig 3 & 4; col. 3 lines: 54-67, col. 4 lines: 1-13 & col. 5 lines: 1-25, Hamada teaches and shows the location where the images were taken from and other information concerning location of the images added to the display as shown).

Therefore, it would have been obvious to a person skilled in the art at the time the invention was made modify the teachings of Hanninen et al. to include the position to the image indicative of the specified position to the image data as attribute information of the image data as taught by Hamada et al. for the purposes of other users charting a course from current location to the location that the image displays through location means provided by network service (col. 2, lines: 15-28).

5. Regarding claims 5 & 16, Hanninen et al. discloses and shows an image processing server (Fig. 1, element 150 (secure server), Abstract, Hanninen teaches a server where information is gathered and compiled with location data), comprising:

a. A specifier that specifies position information of a mobile communication device based on information from a base station representing a communication region (Paragraphs [0008], [0021]-[0022], & [0031]-[0032], Hanninen teaches the different types of positioning arrangements used either by a network, which is composed of base stations, or the mobile device), after the image processing server receives image data sensed by the mobile communication device having an image sensor (Fig. 1, element 110 & 120, paragraph [0017], & [0031]-[0032],

Hanninen teaches that the image sensor can be either external or integrated to the mobile device); Hanninen discloses the server combines the position data and image data for delivery to a user, i.e. police, (paragraphs [0031]-[0032]) however does not disclose,

b. An adder that adds position information indicative of the specified position to the image data as attribute information of the image data; however, Hamada et al. teaches adding information indicative of the specified position of image data attribute information of the image data (Fig 3 & 4; col. 3 lines: 54-67, col. 4 lines: 1-13 & col. 5 lines: 1-25, Hamada teaches and shows the location where the images were taken from and other information concerning location of the images added to the display as shown).

6. Therefore, it would have been obvious to a person skilled in the art at the time the invention was made modify the teachings of Hanninen et al. to include the position to the image indicative of the specified position to the image data as attribute information of the image data as taught by Hamada et al. for the purposes of other users charting a course from current location to the location that the image displays through location means provided by network service (col. 2, lines: 15-28).

7. Consider claims 2 & 13, and as applied to claims 1 & 12 respectively above, Hanninen et al. discloses and shows wherein the specifier that specifies the position of the mobile communication device based on the position information of the base station, the base station being used in transmitting the image data (Fig. 1, paragraph [0021]; Hanninen teaches the image data information being sent to the nearest base station of

a network); and the adder that adds global positioning system (GPS) information of the base station to the image data (Paragraphs [0020]-[0021], Hanninen teaches including the GPS data with the image that is sent to the base station), based on a database storing the other position information of the base station and the GPS information associated with the other position information (Fig. 1, Paragraphs [0020]-[0022], teaches the storing of information to the mobile phone; also, as seen on the figure, the information is transferred to the secure server).

8. Consider claims 3, 6, 14, & 17, and as applied to claims 1, 5, 12, & 16 respectively above, Hanninen et al. discloses and shows wherein the position information includes at least one of global positioning system (GPS) information, address information and a place name (Paragraph [0020], Hanninen teaches at least GPS information).

9. Consider claims 4, 7, 15, & 18, and as applied to claims 1, 2, 5, 12, & 16 respectively above, Hanninen et al. discloses and shows wherein the position information except that it includes a base station number of the base station, however, Hamada et al. teaches the limitation of including a base station number of the base station (Fig. 1, 3, & 14, Hamada teaches the display of base station number, i.e. CS 1, CS 2, etcetera).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teachings of Hanninen et al. to include position information that includes a base station number of the base station as taught by Hamada et al. for the purpose of determining position where it cannot be reached by radio waves from a satellite for GPS functions (col. 1 line: 67; col. 2 lines: 1-3).

10. Claims 8, 9, 19, & 20 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanninen et al. (U.S. Patent Application Publication # 2004/0203842 A1), in view of Hamada et al. (U.S. Patent # 6,314,296 B1), and further in view of Toyomura et al. (U.S. Patent Application Publication # 2002/0116575 A1).

11. Consider claim 8, 19, 9, & 20, and as applied to claims 1, 5, & 16 above, the combination of Hanninen et al. & Hamada et al. does discloses wherein the adder adds the position information, except that it does not disclose adding the position information to an exchangeable information file (Exif) tag of the image data; however, Toyomura et al. discloses Exif to process information (i.e. GPS location) to an image (Paragraphs [0016], [0059], [0189] & [0190]).

Therefore, it would have been obvious to a person with ordinary skill in the art at the time the invention was made to modify the teachings of Hanninen et al. & Hamada et al. to include adding the position information to an exchangeable information file (Exif) tag of the image data as taught by Toyomura et al. for the purposes of downloading and organizing in files according to information displayed on image (Paragraphs [0018]-[0019]).

12. Claims 10 & 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Hanninen et al. (U.S. Patent Application Publication # 2004/0203842 A1), in view of Hamada et al. (U.S. Patent # 6,314,296 B1), and further in view of ITO (U.S. Patent Application Publication # 2003/0076428 A1).

13. Consider claims 10 & 11, and as applied to claims 8 & 9 respectively above, the combination of Hanninen et al. and Hamada et al. disclose and show further comprising:

The image data received from the mobile communication device with an Exif tag.

However, Hanninen et al. & Hamada et al. do not teach an adder that adds the Exif tag to the image data that does not include the Exif tag; however, ITO discloses an adder that adds the Exif tag to the image data that does not include the Exif tag (Fig. 1 elements 9 through element 7; Paragraph [0025], ITO teaches the use of formatting conversion means to images that do not have Exif tags and are processed to have such tags).

Therefore, it would have been obvious to a person of ordinary skill in the art at the time the invention was made to modify the teachings of Hanninen et al. & Hamada et al. to include an adder that adds the Exif tag to the image data that does not include the Exif tag as taught by ITO for the purposes of making it feasible to provide the same service for all the users irrespective of what time of image data they have (Paragraph [0031]).

Conclusion

THIS ACTION IS MADE FINAL. Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire THREE MONTHS from the mailing date of this action. In the event a first reply is filed within TWO MONTHS of the mailing date of this final action and the advisory action is not mailed until after the end of the THREE-MONTH shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any

extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Diego Herrera whose telephone number is (571) 272-0907. The examiner can normally be reached on Monday-Friday, 6:30 AM-3:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Kincaid G. Lester can be reached on (571) 272-7922. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see http://pair-direct.uspto.gov. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

DH

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SUPERVISORY PRIMARY EXAMINER